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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,404	10/24/2003	John J. Wordin	9	1921
7590	09/28/2004			
John J. Wordin P.O. Box 121 Kualapuu, HI 96757-0121				
EXAMINER SAWHNEY, HARGOBIND S.				
ART UNIT			PAPER NUMBER	
2875				

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/693,404	WORDIN ET AL.	
	Examiner	Art Unit	
	Hargobind S Sawhney	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

- socket supports attached at each end of the housing inside;
- details of the reflector mounting on the socket support;
- details, method steps, illustrating retrofitting older existing fluorescent light fixture;
- a reflector mounted on socket support – in figures, the reflector appeared supported by the housing ends and sides-.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

Art Unit: 2875

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The instant application has been examined considering the reflector being supported only by the housing sides.

Claim Objections

2. Claims 1-5 are objected to because of the following informalities:

Thorough editing of all limitations is needed for corrections including those indicated below, and other grammatical errors.

Claim 1, lines 2 and 3, "attaching at each of said housing inside said housing ends" is confusing. This limitation may be rephrased -- attached to inside of said each housing end --.

Claim 1, line 4, "mounting" should be rephrased as -- mounted--;

Claim 1, line 5, "inserting" should be rephrased as -- inserted--;

Art Unit: 2875

Claim 2, line 2, "installing" should be rephrased as – installed--;

Claim 3, line 2, "installing" should be rephrased as – installed--; and

Claim line 4, "having" should be deleted as it does not serve any purpose.

Appropriate correction is required.

Claims 2-5 are necessarily objected because of their dependency on the objected base Claim 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fiene (US Patent No.: 6,508,567 B1).

Regarding Claim 1, Fiene ('567 B1) discloses a modular fluorescent light fixture (Figure 13) comprising:

- a 5-sided housing 140 consisting of housing ends- each of the two ends bearing element 196 (Figure 13) -, housing sides - the faces perpendicular to the housing ends, and a housing top;
- socket supports 142- and the other two adjacent to it- attached to inside of the each housing end (Figure 13, column 13, lines 48 and 49);

Art Unit: 2875

- the socket supports 142 having T5 socket sets 138 (Figure 13, column 11, lines 42 and 43, and column 12, lines 10-14);
- a reflector – inside surface 24 of the housing top – (Figures 10-13, column 13, lines 51-55) mounted on the housing sides (Figure 13);
- two T5 fluorescent tubes 148 inserted in the socket sets 138, 142 (Figure 13, column 12, lines 8-14); and
- a ballast 84 (Figure 13, column 11, lines 43 and 44) mechanically attached to the housing (Figure 13), and having electrical connections from the ballast to the socket sets (Figure 13, column 11, lines 43, 44 and 46-53).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiene (US Patent No.: 6,508,567 B1).

Regarding claims 2 and 3, Fiene ('567 B1) discloses an arrangement of a modular fluorescent light fixtures (Figure 4). However, Fiene ('567 B1) does not specifically teach a first and second modular lighting fixtures arranged with their

Art Unit: 2875

respective tubes oriented parallel to that of each other. Additionally, Fiene ('567 B1) does not specifically teach a first and second modular lighting fixtures arranged with their respective tubes oriented perpendicular to that of each other.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the arrangement of Fiene ('567 B1) by orienting each modular light fixtures with its respective tubes positioned either parallel or perpendicular to those of the adjacent modular lighting fixture, since it has been held that rearranging parts of an invention involves only routine skill in the art.

Regarding Claim 5, Fiene ('567 B1) does not teach the light fixture being used to retrofit the older light fixture.

It has been held that a recitation with respect to the manner in which a claim apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fiene (US Patent No.: 6,508,567 B1) in view of Wordin (US Patent No.: 6,170,962 B1).

Regarding Claim 4, Fiene ('567 B1) discloses a modular fluorescent light fixture (Figure 13) comprising a reflector. However, Fiene ('567 B1) does not specifically teach the reflector being a dual compound hyperbolic reflector.

On the other hand, Wordin ('962 B1) discloses a dual compound reflector 112 (Figure 2, column 4, line 65) for fluorescent light fixture.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the arrangement of Fiene ('567 B1) by providing the dual compound

Art Unit: 2875

hyperbolic reflector for the benefits and advantages of broad light pattern on the illuminated surface with reflection of the light both in upward and downward direction.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shemitz et al. (U.S. Patent No. 6,652,118 B2); Weathers (US Patent No.: 6,652,118 B2), Edwards, Jr. (U.S. Patent No. 6,092,913); Holder (U.S. Patent Nos. 6,062,704, and 5,988,829); Shemitz (U.S. Patent Nos. 5,434,762, and 5,555,162); Belisle et al. (U.S. Patent No. 5,440,466); Swift et al. (U.S. Patent No. 5,207,504), and Decker (International Pub. No.; WO 00/42820)

Each of the above-indicated prior arts disclose a fluorescent light fixture comprising some of the claimed features claimed by the applicant.

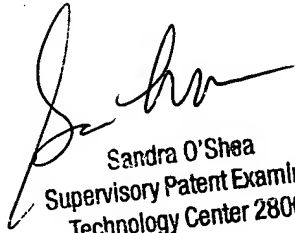
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is on 571-272-2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications and 703-872-9319.

Art Unit: 2875

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number 703-308-2956.

HSS
9/20/2004



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800